

AMENDED IN SENATE MAY 13, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1240**

**Introduced by Assembly Member Bordonaro**

February 23, 1995

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An act to ~~add Section 39006 to the Health and Safety Code, relating to air pollution; amend Section 71000 of, and to add Part 5 (commencing with Section 71200) to Division 34 of, the Public Resources Code, relating to commercial space programs.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1240, as amended, Bordonaro. ~~Air—pollution~~ *Environmental compliance programs: commercial space launch programs.*

(1) ~~Existing law provides generally for the regulation of air contaminants by the State Air Resources Board and air pollution control districts and air quality management districts.~~

~~This bill would exempt from that regulation any facility that manufactures launch vehicles or satellites for purposes of space launch for commercial purposes, or that engages in the preparation for launch or the launch of those vehicles or satellites, and that emits an amount that is not more than 25 tons per year of any regulated air contaminant. The bill would impose a state-mandated local program by imposing on the districts the responsibility to determine the applicability of that exemption.~~

(1) Existing law provides for the protection of the environment, including the regulation of emissions of air pollutants and releases or other discharges of waste and hazardous materials.

This bill would impose various requirements relating to the environmental regulation of commercial space programs, as defined, including requiring emissions, releases, or other discharges to be separated for purposes of regulation, providing that each program is a separate emission source, and exempting the programs from mobile source air pollution regulation. The bill would thereby create a state-mandated local program by imposing new requirements on local agencies.

The bill would require the State Air Resources Board to establish an emissions bank for commercial space programs.

(2) Existing law designates a specified nonprofit organization as the California Spaceport Authority for prescribed purposes relating to space flight.

This bill would declare the intent of the Legislature to establish and fund an environmental ombudsman in the authority.

(2)

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 39006 is added to the Health and~~  
 2 ~~Safety Code, to read:~~  
 3 ~~39006. This division does not apply to any facility that~~  
 4 ~~manufactures launch vehicles or satellites for purposes of~~  
 5 ~~space launch for commercial purposes, or that engages in~~  
 6 ~~the preparation for launch or the launch of those vehicles~~

1 ~~or satellites, and that emits an amount that is not more~~  
2 ~~than 25 tons per year of any regulated air contaminant.~~

3 ~~SEC. 2.—~~

4 *SECTION 1. Section 71000 of the Public Resources*  
5 *Code is amended to read:*

6 71000. This ~~division~~ part shall be known, and may be  
7 cited, as the Environmental Protection Permit Reform  
8 Act of 1993.

9 *SEC. 2. Part 5 (commencing with Section 71200) is*  
10 *added to Division 34 of the Public Resources Code, to*  
11 *read:*

12  
13 *PART 5. COMMERCIAL SPACE PROGRAMS*  
14

15 71200. As used in this chapter, the following terms  
16 have the following meaning:

17 (a) “Commercial space program” means all activities  
18 and equipment at a facility, as defined in subdivision (b),  
19 having an SIC code other than national security, which  
20 activities and equipment are controlled by the owner or  
21 operator of the facility.

22 (b) “Facility” means every structure, appurtenance,  
23 and improvement that is located on one or more  
24 properties that are owned or operated by the same owner  
25 or operator and that manufacture or assemble space  
26 vehicles or space launch vehicles or satellites for purposes  
27 of commercial space launch, or that engage in the  
28 preparation for launch or the launch of those vehicles or  
29 satellites.

30 (c) “Launch process” includes, but is not limited to,  
31 prelaunch checkouts, launch operations, and postlaunch  
32 checkouts.

33 (d) “Space vehicle” or “space launch vehicle” means  
34 a fabricated part, assembly of parts, or completed unit  
35 designed to boost payload spacecraft into the  
36 atmosphere.

37 71201. This part applies to the regulation of any  
38 commercial space program for the purposes of all  
39 environmental compliance programs, including, but not  
40 limited to, the following:

1 (a) County air pollution control district and air quality  
2 management district federal operating permit programs,  
3 major or minor new source review, prevention of  
4 significant deterioration programs, air toxics programs  
5 and the Air Toxics “Hot Spots” and Information and  
6 Assessment Act (Part 6 (commencing with Section  
7 44300) of Division 26 of the Health and Safety Code).

8 (b) Hazardous materials regulation.

9 (c) Waste management and storm water disposal  
10 programs.

11 71202. For purposes of this part, all of the following  
12 apply:

13 (a) Each commercial space program is a separate  
14 industrial activity and is not under common control or in  
15 support of other commercial space activities unless  
16 explicitly agreed to by each commercial space program  
17 as being under common control or in support of another  
18 company or program.

19 (b) Each commercial space program is a separate  
20 industrial activity and is not under common control or in  
21 support of any noncommercial space activity at a facility.

22 (c) Each commercial space program is a separate  
23 emission source.

24 (d) Emissions, releases, or other discharges from each  
25 commercial space program shall not be aggregated with  
26 those from other sources for any determination of the  
27 applicability of any environmental compliance program,  
28 requirement, offset, or fee. No emissions, releases, or  
29 other discharges from any commercial space program  
30 shall be used to determine any requirement, offset, or fee  
31 for any other commercial programs or activities. All  
32 environmental compliance programs that apply to each  
33 commercial space program shall be based solely on the  
34 emissions, releases, or other discharges from the activities  
35 of that commercial space program.

36 71203. Space launch vehicles and associated emissions  
37 from launch processes shall be exempt from mobile  
38 source regulation pursuant to Division 26 (commencing  
39 with Section 39000) of the Health and Safety Code.

1     71204. *The State Air Resources Board shall establish*  
2 *an emissions bank for commercial space programs to*  
3 *provide for industry growth.*

4     71205. *It is the intent of the Legislature to establish*  
5 *and fund, in the California Spaceport Authority*  
6 *designated pursuant to Section 15333.3 of the*  
7 *Government Code, an interagency environmental*  
8 *ombudsman position for the purpose of coordinating*  
9 *streamlining efforts for the commercial space industry,*  
10 *facilitating discussions between regulators and industry*  
11 *to achieve solutions to problems, and researching the*  
12 *feasibility of a single, multimedia permit and a single*  
13 *regulatory agency with authority over commercial space*  
14 *programs.*

15     SEC. 3. No reimbursement is required by this act  
16 pursuant to Section 6 of Article XIII B of the California  
17 Constitution because a local agency or school district has  
18 the authority to levy service charges, fees, or assessments  
19 sufficient to pay for the program or level of service  
20 mandated by this act, within the meaning of Section 17556  
21 of the Government Code.

22     Notwithstanding Section 17580 of the Government  
23 Code, unless otherwise specified, the provisions of this act  
24 shall become operative on the same date that the act  
25 takes effect pursuant to the California Constitution.